

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5916 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE N.J.PANDYA and

Hon'ble MR.JUSTICE S.D.PANDIT

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1. Whether Reporters of Local Papers may be allowed
to see the judgements? Yes
2. To be referred to the Reporter or not? No.
3. Whether Their Lordships wish to see the fair copy
of the judgement? No
4. Whether this case involves a substantial question
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder? No
5. Whether it is to be circulated to the Civil Judge?
No

TEKCHAND JERAMDAS

Versus

STATE OF GUJARAT

Appearance:

MR SI NANAVATI for Petitioner
Mr. M.R. Anand, GOVERNMENT PLEADER
with Mr. Kamal Mehta, AGP for respondent no.1.
MR MI HAVA for Respondent No. 2
MR SB VAKIL for Respondent No. 4

CORAM : MR.JUSTICE N.J.PANDYA and
MR.JUSTICE S.D.PANDIT

Date of decision: 06/08/96

Shri Tekchand Jeramdas of Patan has filed the present petition under article 226 of the present petition under article 226 of the proceedings in respect of the land bearing city survey no. 182 of Patan town.

2. The petitioner has come before this court with a case that he is a tenant in the said property and he is carrying on this business in the said property of city survey no. 182 of Patan town. The Patan Municipality had proposed a road widening of the road of Motu Bazar and Doshiwantnu Bazar. According to the petitioner he had filed his objections to the said road widening and without giving him any opportunity of being heard as regards his objections, further proceedings have taken place and a Notification u/s 6 of the Land Acquisition Act was also issued on 19.8.86 and therefore, he has come before this court to set aside the said acquisition proceedings.

3. A notice was issued to the respondent before admission and the respondent has filed the reply affidavit of the Land Acquisition Officer. The Land Acquisition Officer has stated in the said counter affidavit that as a matter of fact the petitioner and others were heard on 18.2.86 and therefore, the petitioner was given adequate opportunity of being heard and after hearing he considered the objections of the petitioner and a report under section 5A of the Land Acquisition Act was submitted by him. He has also stated in the affidavit that at the time of the said hearing the petitioner had stated that he did not want to say anything more than what has been mentioned in this written objections and said written objections were considered by him and after considering the same, he has made this report u/s 5A of the Land Acquisition Act. The petitioner has not filed any counter affidavit to controvert the said claim made by the Land Acquisition Officer. The landlord of the petitioner and the owner of the property which is being acquired has not come forward to support the claim of the petitioner. The petitioner himself has produced a notice issued by the Land Acquisition Officer calling upon him to attend the said date of hearing at Annexure.E. Therefore, in the circumstances, in view of the reply affidavit of the Land Acquisition Officer and the fact that a notice of hearing was issued to him the claim of the petitioner that he was not at all heard could not be said true. Thus we find no substance in the allegations made by the petitioner.

Present petition therefore will have to be dismissed. We accordingly dismiss the same with no order as to costs. Rule discharged.

(S.D.Pandit.J)